IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7551 OF 2005
IN
CRIMINAL APPEAL NO.1060 OF 2005

Kalu @ Vijay Rambhau Gayakwad & Ors. ..Applicants.

V/s.

The State of Maharashtra. ..Respondent.

Mr.Shekhar Ingawale for applicant.

Mr.V.B.Konde-Deshmukh, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : DECEMBER 7, 2005.

P.C. :

1. Heard.

2. Appeal has been admitted by separate order as arguable questions are raised. Recovery of the weapon has not been proved as panch witnesses have turned hostile. Medical evidence does not support the prosecution case. Besides it is unlikely that the appeal will come up for hearing in near future as appeals prior to 1995 are still pending for hearing. Sentence directed to be undergone is of seven years. The applicant was on bail during the pendency of the trial. There is nothing on record to suggest that the applicant has misused that bail. Taking overall

view of the matter, the applicant is directed to be released on bail on the following conditions.

(A) Applicant to furnish bond in the sum of Rs.25,000/- with one or two local sureties in like amount.

(B) The applicant shall report to the concerned police station on the first Monday of every English Calender month.

(C) The applicant shall furnish his latest residential address to the concerned officer and intimate change of address, if any, within one week from such change.

(D) The applicant shall surrender passport, if any to the concerned police station. If the applicant does not possess passport, that statement be stated on affidavit to be filed in this court.

3. Application disposed of accordingly.